



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 12, 1991

Ms. Mary Kay Fischer
Assistant City Attorney
City of Galveston
P. O. Box 779
Galveston, Texas 77553-0779

OR91-640

Dear Ms. Fischer:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14245.

You have received a request for information relating to certain criminal charges that you are currently prosecuting. Specifically, the requestor, who is the attorney representing the defendant, seeks:

1. Records of any payment made to [the defendant] for informant or undercover work.
2. Any file, memorandum or other description relating to or documenting such payments or any undercover or informant functions performed by [the defendant] for the Galveston Police Department.

You claim the requested information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act. Section 3(a)(3) excepts from required public disclosure

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state

or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

We have examined the documents submitted to us for review and conclude that the requested information relates to that litigation and that it may be excepted from required public disclosure under section 3(a)(3) of the Open Records Act, unless previously disclosed through discovery or by court order. *See* Open Records Decision No. 551 (1990). Please note that this ruling applies only for the duration of the litigation and only for the information at issue here. Because we resolve your request under section 3(a)(3), we need not address the applicability of section 3(a)(8) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-640.

Yours very truly,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/GK/lcd

Ref.: ID# 14245

cc: Mr. Mark W. Stevens
2125 Church
Galveston, Texas 77550
(w/o enclosures)